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BSH HOME APPLIANCES CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
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NEW BERN, NC 28562

EXAMINER
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MERLINO, ALYSON MARIE

ART UNIT	PAPER NUMBER
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3673

NOTIFICATION DATE	DELIVERY MODE
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02/18/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,280	<b>Applicant(s)</b> OPPEL ET AL.	
	<b>Examiner</b> ALYSON M. MERLINO	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-32,34-39,43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-32,34-39,43 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7 January 2010 has been entered.
2. The examiner acknowledges applicant's amendments to claims 22-32, 34-39, 43, and 44.

### ***Claim Objections***

3. **Claim 27 is objected to** because of the following informalities: In line 7 of the claim, the phrase "the hook" should be inserted before the phrase "loses contact" since it is clear that the hook loses contact with the contact point, not that the gripping device loses contact with its own surface. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claims 24, 26, 31, and 32 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. **In regards to claim 24**, it is unclear how the locking head is inserted in a recess of a portion of the door or control panel, when it is clear from the specification that the locking head is inserted in a recess 73 in a side wall of the frame and not in a portion of the door or control panel. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

7. **In regards to claim 26**, it is unclear how the means for selectively blocking is moved into the second position when it is clear that the second position is the deactivation of the means for selectively blocking, allowing the movement or operation of the closing member. If applicant is intending to claim that the means for selectively blocking is still engaging the closing member, but just moving down the notches of the locking head, then positions relating to this movement should be set forth in the claim. Furthermore, it is unclear to which "edge" of the closing member applicant is referring; see rejections above, in regards to the normal force. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

8. **In regards to claim 31**, it is unclear how claim 31 can depend from claim 28 when it is clear that the species recited in claim 31 is the species shown in Figures 10 and 11. It is clear that this species utilizes a separate structure, as discussed in Paragraph 63 of the amended specification. For examination purposes, this claim recites the same species as claim 34 and will be considered dependent upon claim 22 until further clarification from applicant.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 22-25, 28-32, 34-39, 43, and 44 are rejected** under 35 U.S.C. 102(b) as being anticipated by Dirnberger (DE 196 01 228 A1).

11. All citations regarding text are referencing the computer generated translation provided.

12. **In regards to claim 22**, Dirnberger discloses an electric household appliance (Paragraph 1) including a receptacle (apparent from Paragraph 1) for receiving items to be handled by the electric household appliance, a door 86 permitting access to the receptacle, a door lock (Figure 1) for the door, with the door lock having a frame 10 with an opening (apparent from Figures 5 and 6) for a hook 84, a closing member 12, a closing spring 24 disposed between the closing member and a counter-bearing 26 in the frame, a gripping device 10b, with the closing member being operatively connected to the gripping device (apparent from Figures 5 and 6), and means 14, 16 for selectively inhibiting the movement of the closing member (apparent from Figures 1 and 2), with the means for selectively inhibiting the movement of the closing member being selectively positionable between a first position (Figure 2) in which the means for selectively inhibiting the movement of the closing member blocks a respective movement of the closing member (apparent from Figure 2), whereupon the blocked

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respective movement of the closing member operates as a child safety feature (component 14 is referred to as a safety latch, Paragraph 19) and a second position (Figure 1) in which the means for selectively blocking the movement of the closing member does not block the respective movement of the closing member, whereupon the child safety feature is deactivated (apparent from Figure 2).

13. **In regards to claim 23**, Dirnberger discloses that in the first position with the child safety feature activated, a locking head (portion of component 14 near the indicator of reference character 31, Figure 1) of the means for selectively blocking is inserted into a recess 32 of the closing member and the movement of the closing member is thereby positively blocked (apparent from Figure 2).

14. **In regards to claim 24 (as best understood)**, Dirnberger discloses that the means for selectively blocking movement comprises a locking head (portion of component 14 near the indicator of reference character 31, Figure 1) which, in the first position of the means for selectively blocking with the child safety feature activated, is inserted in a recess (apparent opening in portion between components 62 and 64 to receive the locking head, Figure 1) of a side wall of the frame (apparent from Figure 2) so that as a result of a positive connection between the locking head and the recess, any forces applied to the locking head are transferred to the recess (apparent from Figure 2).

15. **In regards to claim 25**, Dirnberger discloses that when the means for selectively blocking is located in the second position with the child safety feature deactivated, the locking head of the means for selectively blocking is located outside the recess 32 of

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the closing member and thereby the movement of the closing member is not blocked (apparent from Figure 1).

16. **In regards to claim 28**, Dirnberger discloses that the means for selectively blocking comprises a locking head (portion of component 14 near the indicator of reference character 31, Figure 1) that is fixed to a pivoted shaft 46 by means of a pivoted lever (portion of component 16 between components 14 and 46, Figure 1) so that the locking head of the means for selectively blocking can execute a rotary movement between the first position and the second position (rotary movement of component 16 about pivoted shaft 46, apparent from Figures 1 and 2).

17. **In regards to claim 29**, Dirnberger discloses that the means for selectively blocking includes a restoring lever (portion of component 16 between components 46 and 48, Figure 1) connected to the pivoted shaft and a spring 54 that acts against the restoring lever so as to be capable to apply a restoring moment to the pivoted shaft so that the means for selectively blocking is biased towards the first position to activate the child safety feature (Paragraph 38).

18. **In regards to claim 30**, Dirnberger discloses that the means for selectively blocking comprises an adjusting lever 80 connected to the pivoted shaft (connected by cooperation with component 14, apparent from Figure 2), wherein, a rectangular plate (portion of component 80 touching frame 10, Figure 1) formed on the adjusting lever, with the rectangular plate including a protruding locating lug (end of component 80 positioned near component 14, Figure 1) and a protruding limiting lug (end of plate

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touching frame 10, Figure 1), and wherein, the plate is elastically deformable (apparent from Paragraph 31 and Figure 1).

19. **In regards to claim 31**, Dirnberger discloses that the door lock comprises a handle (end of component 80 extending outside of the frame 10, Figure 1) within a gripping shell (portion of 10 near adjusting lever 80, Figure 1), wherein a free end (end with handle, Figure 1) of the adjusting lever projects partly over a slot-shaped recess (recess of component 10 surrounding 80, Figure 1) in the gripping shell, wherein a lateral movement of the free end of the adjusting lever will cause pivoting movement of the pivoted shaft that will cause the means for selectively blocking to be moved between the first and the second position (apparent that component 80 is capable of moving the means for blocking component 14 upward to deactivate the safety feature, and when the component 80 is placed in its position in Figure 1, the component 14 is capable of being activated again to create the child safety feature, therefore, creating pivoting movement of the pivoted shaft, apparent from Figure 1 and Paragraphs 31 and 49).

20. **In regards to claim 32**, Dirnberger discloses that the adjusting lever is used to fix the means for selectively blocking in the second position for continuous deactivation of the child safety feature (apparent that a user could move the adjusting lever 80 towards component 12 to move component 14 out of engagement with component 12 and hold the lever in that position for a certain amount of time, i.e. fixing it in a continuous deactivation position, apparent from Figure 1).

21. **In regards to claim 34**, Dirnberger discloses that the means for selectively blocking is arranged on an actuating slider 14 in a slider housing 62, 64 and by means



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of a translational movement of the actuating slider in the slider housing, the means for selectively blocking is capable of being moved between the first position and the second position and conversely (apparent from Figures 1 and 2).

22. **In regards to claim 35**, Dirnberger discloses that the door lock comprises a handle (end of component 80 extending outside of the frame 10, Figure 1) with a gripping shell (portion of 10 near adjusting lever 80, Figure 1), and wherein the means for selectively blocking further comprises an actuating lever 80 formed on the actuating slider (apparent that end of 80 is on the actuating slider, Figure 2), with the actuating lever projecting from a slot (recess of component 10 surrounding 80, Figure 1) in the gripping shell, wherein the actuating slider is moved with the actuating lever to move the means for selectively blocking between the first and second positions (apparent that component 80 moves the means for blocking component 14 upward to deactivate the safety feature, and when the component 80 is placed in its position in Figure 1, the component 14 is activated again to create the child safety feature, therefore, creating pivoting movement of the pivoted shaft, apparent from Figure 1 and Paragraphs 31 and 49), and the actuating lever is pressed into the first position by a spring 54.

23. **In regards to claim 36**, Dirnberger discloses that the means for selectively blocking includes a locating lug (end of component 80 positioned near component 14, Figure 1) formed on the actuating slider (apparent that end is on the actuating slider, Figure 1), wherein, when the means for selectively blocking is in the second position, the actuating slider engages a recess of the slider housing (apparent opening in portion 64 to receive the locating lug, Figure 1).

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24. **In regards to claim 37**, Dirnberger discloses that the movement of the means for selectively blocking between the first and second positions to activate and deactivate the child safety feature (apparent that component 80 is capable of moving the means for blocking component 14 upward to deactivate the safety feature, and when the component 80 is placed in its position in Figure 1, the component 14 is capable of being activated again to create the child safety feature, apparent from Figure 1 and Paragraphs 31 and 49) is capable of being accomplished a top of the door (apparent that components shown in Figure 1 are capable of being located at the top of the door when the door is locked in view of Figure 6) using an actuating element 80.

25. **In regards to claim 38**, Dirnberger discloses that the actuating element is removably mounted on a top of the door (apparent from Figure 1).

26. **In regards to claim 39**, Dirnberger discloses that the actuating element is connected to an actuating shaft 78 on which a cam (portion of 80 between shaft 78 and component 14, Figure 1) is formed, and wherein rotation of the actuating shaft causes the cam to move the means for selectively blocking between the first position and second positions (apparent that component 80 is capable of moving the means for blocking component 14 upward to deactivate the safety feature, and when the component 80 is placed in its position in Figure 1, the component 14 is capable of being activated again to create the child safety feature, apparent from Figure 1 and Paragraphs 31 and 49).

27. **In regards to claim 43**, Dirnberger discloses that the closing spring 24 biases the closing member towards a locked position (apparent from Figure 2).

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28. **In regards to claim 44**, Dirnberger discloses that the gripping device is pivotally mounted on the closing member (pivotally mounted on closing member when in the position shown in Figure 6).

***Claim Rejections - 35 USC § 103***

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

31. **Claims 22 and 27 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Nozomu et al. (US-3799596) in view of Dirnberger (DE 196 01 228 A1).

32. **In regards to claim 22**, Nozomu et al. discloses a device including a receptacle (apparent internal compartment of vehicle) for receiving items to be handled by the device, a door 20 permitting access to the receptacle, a door lock (Figure 1) for the door, with the door lock having a frame 10 with an opening 10c for a hook 11, a closing

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member 13, a closing spring 15 disposed between the closing member and a counter-bearing (apparent pin portion of frame extending through component 12, Figure 1) in the frame, a gripping device 21, 12, with the closing member being operatively connected to the gripping device (apparent from Figure 1), and means 19 for selectively inhibiting the movement of the closing member (apparent from Figures 1 and 4), with the means for selectively inhibiting the movement of the closing member being selectively positionable between a first position (Figure 4) in which the means for selectively inhibiting the movement of the closing member blocks a respective movement of the closing member (apparent from Figure 4), whereupon the blocked respective movement of the closing member operates as a child safety feature and a second position (Figure 1) in which the means for selectively blocking the movement of the closing member does not block the respective movement of the closing member, whereupon the child safety feature is deactivated (apparent from Figure 1). Nozomu et al. fails to disclose that the device is an electric household appliance. Dirnberger teaches an electric household appliance (Paragraph 1) having a receptacle (apparent from Paragraph 1) for receiving items to be handled by the electric household appliance, a door 86 permitting access to the receptacle, and a door lock (Figure 1) for the door. Since specifying that the door lock be used with an electric household device would not hinder the ability of the means to selectively inhibit the movement of the closing member, it would have been obvious to one of ordinary skill in the art at the time the invention was made to specify that the lock be used with an appliance in order to enhance the security of the appliance, and since Nozomu et al. discloses a door lock for a receptacle and associated door.

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33. **In regards to claim 27**, Nozomu et al. discloses that the closing spring is tensioned in an open position of the door lock (position shown in shadow in Figure 3), and wherein the gripping device (portion 12) is pressed against a part of the frame (stop portion of frame between reference characters 19 and 13, Figure 3) by the closing spring at a contact point (point of stop, Figure 3) when the door lock is in the open position. Nozomu et al. further discloses that the gripping device has a gripping latch 12 into which the hook is guided on passing through the opening in the frame (apparent from Figure 1) and has a contact surface (inner surface of latch that receives the hook, Figure 1) onto which the incoming hook presses, thereby causing a movement of the gripping device (movement of component 12, Figure 3), wherein the gripping device is shaped so that it rotates and the hook loses contact with the contact point as the hook presses into the gripping device (movement of component 12 from the position in shadow to the solid-lined position in Figure 3).

34. **Claim 26 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Dirnberger (DE 196 01 228 A1) in view of Devereaux (US-2046612). Dirnberger discloses that the locking head of the means for selectively blocking moves between the first position and the second position in a direction of movement that is substantially perpendicular to the direction of movement of the closing member (apparent from Figures 1 and 2), and wherein the locking head of the means for selectively blocking has a free end (end near indicator of reference character 62, Figure 1) when forces act on the closing member (forces created by hook trying to be forced out of opening 18 of the closing member, apparent from Figure 6), it is apparent that the means for

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selectively blocking is capable of being forced into the second position if a strong enough force is exerted to overcome the cooperation of the hook with the closing member. Dirnberger fails to disclose that the means for selectively blocking has a conical shape with increasing diameter beginning at the free end of the means.

Devereaux teaches a component 14 that has a conical shape (apparent from Figures 3 and 6) with increasing diameter beginning at a free end of the component (apparent from Figures 3 and 6). Since specifying that the means for selectively blocking has a conical shape would not hinder the ability of the means to inhibit the movement of the closing member, it would have been obvious to one of ordinary skill in the art at the time the invention was made to specify that the means to selectively inhibiting the movement of the closing member has a conical shape since it has been held that a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art.

### ***Response to Arguments***

35. The examiner appreciates applicant's amendments to the claims and applicant's remarks, therefore, the drawing objections set forth in the Final Office Action are withdrawn.

36. The examiner appreciates applicant's amendments to claims 27, 32, 35, and 37, and therefore, the claim objections set forth in the Final Office Action are withdrawn.

37. The examiner appreciates applicant's amendments and remarks regarding claims 25 and 27, and therefore, the rejections of claims 25 and 27 under 35 U.S.C. 112, second paragraph, set forth in the Final Office Action are withdrawn.

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38. In regards to applicant's remarks concerning the rejection of claim 24 under 35 U.S.C. 112, second paragraph, the examiner respectfully disagrees, noting that the specification clearly shows that the recess 73 is located in a side wall of the frame and not in a portion of the door, with the claim being unclear in light of the specification. Furthermore, it is clear that the recess being in the side wall is critical to the cooperation of the means for selectively blocking and the closing member. Therefore, the rejection is maintained.

39. In regards to applicant's remarks concerning the rejection of claim 26 under 35 U.S.C. 112, second paragraph, the examiner respectfully disagrees, noting that the claim language requires clarification as to whether the means for selectively blocking is still located in the recess when in the second position, whether it be the end of the conical shape or not. Therefore, the rejection is maintained.

40. In regards to applicant's remarks concerning the rejection of claim 31 under 35 U.S.C. 112, second paragraph, the examiner respectfully disagrees, noting that the species recited in claim 31 is specific to the species shown in Figures 10 and 11, and it is clear that this species utilizes a separate structure, as discussed in Paragraph 63 of the amended specification. Therefore, the rejection is maintained.

41. Applicant's arguments with respect to claims 22-25, 28-32, 34-39, 43, and 44 and the Dirnberger reference have been considered but are moot in view of the new ground(s) of rejection. Specifically, applicant is referred to the new interpretation of the Dirnberger reference as applied to claims 22 and 24 above.

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42. In regards to applicant's remarks concerning claim 28 and the Dirnberger reference, the examiner respectfully disagrees, noting that the claim language does not require that the locking head pivot, only that the locking head executes a rotary movement, which can be the rotary movement of the pivoted lever. The claim language does not require that the rotary movement be the movement of the locking head.

43. In regards to applicant's remarks concerning claims 29, 35, 36, and 43, and the Dirnberger reference, applicant is referred to the rejection above and Paragraph 38 of the Dirnberger computer generated translation in which the spring 54 presses the element 16 against the clockwise direction into the position in accordance with Figure 2. Therefore, the rejection is maintained.

44. In regards to applicant's remarks concerning claims 22 and 27, and the Nozomu and Dirnberger references, applicant refers to the arguments presented regarding the structure of Dirnberger, however, Nozomu discloses the structure of the device and Dirnberger was a teaching of utilizing a door lock having a safety feature, as disclosed by Nozomu, on a door of an electric appliance. Therefore, the rejections are maintained.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSON M. MERLINO whose telephone number is (571)272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter M. Cuomo/  
Supervisory Patent Examiner, Art Unit 3673

AM  
February 10, 2010